

Attorney Docket No.: **PENN-0795**
Inventors: **Clevenger and Kline**
Serial No.: **10/029,079**
Filing Date: **December 21, 2001**
Page 5

REMARKS

Claims 1-10 are pending in the instant application. The pending claims have been subjected to a Restriction Requirement under 35 USC §121 and 35 USC §372, as containing multiple independent sequences, comprising multiple inventions.

Specifically, the Examiner suggests that there are four distinct inventions in the present application and requires restriction under 35 USC § 121. The Examiner further suggests that present invention comprises four distinct groups:

Group I, claims 1-4, drawn to a protein composition, classified in class 530, subclass 350.

Group II, claims 5 and 6, drawn to a method for modulating somatolactogenic function, classified in class 530, subclass 399.

Group III, claims 7 and 8, drawn to a method of inhibiting Nb2 cells, classified in class 435, subclass 40.51.

Group IV, claims 9 and 10, drawn to a method for diagnosing disease, classified in class 435, subclass 4.

The Examiner further suggests that the four groups have different functions and are therefore distinct from each other.

Applicants respectfully traverse this restriction requirement.

Attorney Docket No.: **PENN-0795**
Inventors: **Clevenger and Kline**
Serial No.: **10/029,079**
Filing Date: **December 21, 2001**
Page 6

MPEP 803 states that for proper restriction (1) the claimed inventions are independent or distinct (2) search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

MPEP 802.1 defines "distinct" as two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, and are patentable over each other.

The present invention provides a human prolactin-binding protein (PRLBP) and methods for using said protein (please see Specification page 2 lines 32-34). The PRLBP is taught to be used in the method claims for Groups II-IV. In Group II (please see Specification page 10, line 34 through page 11, line 1), human PRLBP is used to modulate somatolactogenic function. In Group III (please see Specification page 10, lines 30-33), Nb2 cells are inhibited by including PRLBP. In Group IV (please see Specification page 11, lines 25 through page 12 line 2), the level of human PRLBP is obtained to discover individuals with higher or lower levels than normal individuals, and to diagnose

Attorney Docket No.: **PENN-0795**
Inventors: **Clevenger and Kline**
Serial No.: **10/029,079**
Filing Date: **December 21, 2001**
Page 7

if that individual has normal or abnormal somatolactogenic function. Therefore, there is a disclosed relationship between the human prolactin binding protein and the disclosed methods for using said protein for modulating somatolactogenic function, inhibiting Nb2 cells, and for diagnosing disease.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

However, in an earnest effort to be fully responsive and facilitate prosecution of this application, Applicants elect to prosecute Group I, claims 1-4, a protein composition, classified in class 530, subclass 350, with traverse.

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: **March 1, 2004**

Licata & Tyrrell P.C.
66 Main Street
Marlton, NJ 08053

856-810-1515